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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,284	01/16/2004	Tsuyoshi Kameda	074418-0128	5139
22428	7590	11/15/2005	EXAMINER	
FOLEY AND LARDNER LLP			VU, PHU	
SUITE 500			ART UNIT	
3000 K STREET NW			PAPER NUMBER	
WASHINGTON, DC 20007			2871	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,284

Applicant(s)

KAMEDA, TSUYOSHI

Examiner

Phu Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

Newly submitted claims 9-11 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 9-11 are directed to a second embodiment of the invention that is patentably distinct from the first as the refer to a "resilient packing" see embodiment 2 in specification.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 9-11 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 7-8, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz US Patent No. 5691962.

Regarding claim 2, Schwartz teaches a displaying apparatus comprising:

a liquid crystal displaying polarizing plate including a liquid crystal plate (fig. 5 element 14) and a polarizing plate (fig. 5 element 14a); a light source (fig. 5 element 56) disposed on a back side of said liquid crystal displaying plate for emitting illumination

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light; a dial plate (fig. 1 element 11) disposed on the front side of crystal displaying plate and including an optically transparent displaying section (fig. 1 element 11) capable of transmission of light; said illumination light (fig. 5 element 56) illuminating said optically transparent displaying section by passing through said liquid crystal displaying plate the polarizing plate is cut out at a portion thereof overlapping said optically transparent display section. The cutout portion can be considered to be any element outside of area 13 in figure 2 as the polarizer is only formed over the liquid crystal displaying section (see fig. 5 element 14). The limitation of to form of window is interpreted broadly. As a "window" as defined by the American Heritage College dictionary as an "an opening that resembles a window in function or appearance." The opening or "cutout" portion is considered an opening that resembles a window in function.

Regarding claims 5 and 8, the reference teaches a peripheral edge of the liquid crystal displaying plate (fig. 2 element 14) has an overlapping edge section overlapping said optically transparent section when viewed from the front. The reference shows the liquid crystal holding member for holding the peripheral edge cut out at a portion thereof overlapping a portion thereof is cut out overlapping said overlapping edge section. Figure 2 shows this and the cutout area is considered between element 21 and element 14. The limitation of an optically transparent member overlapping said edge section as view from a front is met because the cutout area can be considered a "transparent member" since there is no implied structure by this limitation.

Regarding claim 13, the optically transparent display section is "generally circular arc shaped" as seen in figs. 8-11. The cutout portion extends along the circular

shape of the optically transparent displaying section as anywhere where the polarizer is not formed is considered the "cutout" portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schartz in view of Guanter US 20030123327.

Regarding claim 1, Schwartz teaches a displaying apparatus comprising:

a liquid crystal displaying polarizing plate including a liquid crystal plate (fig. 5 element 14) and a polarizing plate (fig. 5 element 14a); a light source (fig. 5 element 56) disposed on a back side of said liquid crystal displaying plate for emitting illumination light; a dial plate (fig. 1 element 11) disposed on the front side of crystal displaying plate and including an optically transparent displaying section (fig. 1 element 11) capable of transmission of light; said illumination light (fig. 5 element 56) illuminating said optically transparent displaying section by passing through said liquid crystal displaying plate the polarizing plate is cut out at a portion thereof overlapping said optically transparent display section. Schwartz fails to teach a second liquid crystal displaying section provided at a second portion of the liquid crystal plate a control driver and a second window aligned with and disposed directly above said liquid crystal displaying section of liquid crystal plate, wherein the said control driver controls both of said first and second

liquid crystal displaying sections. Guanter teaches first and second liquid crystal displaying section (fig. 1 elements 5, 6) provided at a first and second portions of the liquid crystal plate a control driver and a first and second windows aligned with and disposed directly above said liquid crystal displaying section of liquid crystal plate, wherein the said control driver (fig. 2 element 16) controls both of said first and second liquid crystal displaying sections in order to provide two display areas to display menus and other items (see [0028]). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to apply two liquid crystal displays driven by a single control unit aligned with and disposed directly above said liquid crystal displaying section of liquid crystal plate to implement a menu system or display additional information over as single display.

Regarding claim 4, the reference teaches a peripheral edge of the liquid crystal displaying plate (fig. 2 element 14) has an overlapping edge section overlapping said optically transparent section when viewed from the front. The reference shows the liquid crystal holding member for holding the peripheral edge cut out at a portion thereof overlapping a portion thereof is cut out overlapping said overlapping edge section. Figure 2 shows this and the cutout area is considered between element 21 and element 14.

Regarding claim 7, the reference teaches a peripheral edge of the liquid crystal displaying plate (fig. 1 element 13) has an overlapping edge section overlapping said optically transparent section when viewed from the front.

Regarding claim 12, Schwartz teaches the overlapping edge of liquid crystal displaying plate substantially perpendicular to a surface corresponding to the optically transparent displaying section (see edge of element 14 which runs normal to the plane defined by the optically transparent display section as shown in figs 8-11).

Regarding 14, Schwartz teaches a liquid crystal holding member for holding said peripheral edge, wherein the liquid crystal holding member is cut out at a portion overlapping the overlapping section as viewed from the front (see fig 2 element 21).

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scharz and in view of Guanter in view of Platz US Publication No. 2002/0027620.

Schwartz teaches all the limitations of claims 3 and 6 except a liquid crystal displaying plate covering the whole of an optically transparent section. Platz teaches a liquid crystal plate covering the whole of an optically transparent section. Having a plate covering the entire optically transparent section increases the digital display area. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to use a liquid crystal displaying plate to cover the whole of an optically transparent section in order to increase the digital display area. In addition the device allows different display configurations to be obtained as a function of the switching state (see [0064]). Therefore at the time of the invention, it would have been obvious to use a liquid crystal displaying plate to cover the whole of an optically transparent section to allow different display configurations to be obtained as a function of the switching state.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu Vu whose telephone number is (571)-272-1562. The examiner can normally be reached on 8AM-5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (571)-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu Vu
Examiner
AU 2871


ANDREW SCHECHTER
PRIMARY EXAMINER